

Cory Decarbonisation Project **DCO**

LB Bexley Deadline 4 Response

25th January 2025.

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INTRODUCTION

This document is being submitted in response to documents submitted by Cory at Deadline 3.

UPDATE SINCE DEADLINE 3

Since Deadline 3 the Council and Cory have been in discussion following the Council's submission of its Deadline 2 response and the Issue Specific Hearing (ISH) held on 12th February 2025.

During the course of the ISH, the Inspector discussed the differing views between the Council and the Applicant over the improvements to the highway along Norman Road that form part of the works delivered by the development.

The Council was at the time, of the view that the DCO did not require the Applicant to enter into an appropriate agreement with the Highway Authority. This could create a possible maintenance and financial burden to the Council if temporary and permanent changes to the highway are not built to an agreed specification / design and appropriate standard. The Council therefore suggested that a mechanism is added to the DCO to require the developer to enter into an appropriate agreement (S278 of the Highways Act 1980) which offers a guarantee of temporary and permanent changes to highway are complete to an acceptable standard and thus reduce the risks to the Council.

At the ISH the Applicant made clear that they would amend the wording of the DCO in order to accommodate the Council's concerns about any highways works undertaken to Norman Road. The Applicant has provided the Council with reworded sections of the DCO and the Council is satisfied with the revised wording. The Council would expect to see an updated DCO, with the revised wording, submitted by the Applicant at Deadline 4.

In addition to the above the Council has agreed further items in the Statement of Common Ground (SoCG) with the Applicant and an updated version will be submitted by the Applicant at Deadline 4.

NORMAN ROAD FIELD

With regard to the Norman Road Field, it was brought up at the ISH that there was a concern that there was the potential for double counting of Biodiversity baselines and that there were on-going ecological management strategies in place for the Norman Road Field.

In 2005 outline consent was granted under decision notice 02/03373/OUTEA (subject to a S106) for the construction of a B1 / B8 business park in 3 phases including landscape and ecological works and details of reserved matters of design, external appearance and

siting for Phase 1 at Veridion Park, a site located some 650 metres (approx) to the south west of the Norman Road Field.

As part of that permission an Ecological Master Plan was submitted which set out mitigation measures for “Area 5” which is now known as the Norman Road Field. Section 5 of the Master Plan set out that...

Section 5- *This Ecological Masterplan will be implemented through a series of Management Plans which will provide detailed prescriptions and specifications for habitat creation and management of the habitat in the long-term. The Management Plans will be written to cover a ten-year period. The Management Plans will also include requirements for annual monitoring so that the condition of the habitat can be recorded and adjustments made to the management regime accordingly. A Management Plan has already been prepared for the Great Breach Dyke (south), although it is likely that this will require revision following the results of ecological surveys undertaken in 2002.*

Section 5.1 (Ditches) *states that two new ditches 350m in area 5 will be created. The ditches will follow the course of historical ditch features. Although care will be taken to avoid damage to archaeological features recorded on site.... New ditches will be created with a variety of cross-sectional profiles. The majority of the banks will have a wide berm at the toe of the slope just below the water level, aimed at encouraging the establishment of a dense fringe of marginal vegetation. Such marginal vegetation provides ideal conditions for water voles as well as habitat for breeding birds such as reed warbler, reed bunting and waterfowl*

The focus of mitigation works on existing ditches will be to enhance their value for water voles, rare and scarce plants typical of Erith Marshes to the north (including marsh dock, lesser reedmace, reflexed poa, narrow-leaved water parsnip, pink water speedwell and unbranched bur-reed), breeding birds, grass snakes, smooth newts, water shrews and invertebrates. Some careful reprofiling of the existing ditches may be required to create a variety of bank profiles, particularly where extensive horse poaching has destroyed the bank structure. However, any reprofiling would be undertaken in a sensitive manner and large sections of each ditch would be left intact to provide refuges for water voles. The main focus of management of the ditches is likely to involve exclusion of horses to prevent excessive poaching and a sensitive mowing and dredging regime. All ditches will incorporate a substantial grassland buffer zone/corridor which will be approximately 20 metres wide.

The management of the ditches, for example cutting and dredging, will take place rotationally. Management practices such as desilting and cutting of vegetation at the bank tops will avoid damage to water vole habitat.

Section 5.3 (Grazing Marsh Grassland) *states that Grassland in the northern triangle (Area 5) currently constitutes dry neutral grassland characteristic of degraded grazing marsh. The area was surveyed 10 years ago and it is evident that the quality of the grazing marsh grassland has declined dramatically over this period. Consequently, enhancement of this area will focus on implementing a management regime suitable for grazing marshes. All management of grassland will be undertaken in consultation with the warden of the Thames Water nature reserve located to the west and north of the northern triangle. It is possible that the northern*

triangle could be incorporated into and managed as part of the nature reserve in conjunction with the payment of an annual sum of money.

*Several small scrapes will be created across grassland in the northern triangle. The resulting ground level within the scrapes will be just above the water table. It is envisaged that the scrapes will be seasonally inundated with water. Creation of the scrapes is aimed at encouraging colonisation of wetland and marsh plants such as celery-leaved buttercup, marsh dock and divided sedge (*Carex divisa*) as well as providing high tide roosts for wintering waders. In order to ensure that a hydrological regime appropriate for a grazing marsh is established across the site, it may be necessary to manipulate water levels in the ditches via a system of sluices.*

Management of the grassland will comprise implementation of a grazing regime. The grazing regime is likely to be aimed at restoring the grazing marsh grassland in the first instance. Ideally the grazing marsh will be stocked with cattle, although it is likely that horses will be more readily available. If cattle are not available, light grazing by horses will be supplemented by cutting or by hand removal of vigorous species such as false oat-grass during the first year of management. This will permit the colonisation of finer, less-competitive species such as red fescue and crested dogs-tail. The trampling action of hooves will also help to break up the litter layer and open up the sward, allowing short-lived species to recolonise.

It should be noted that high stocking densities may cause poaching damage to the ditch banks. Such poaching damage may have adverse effects on the water vole population: overgrazing reduces the amount of food and cover available for water voles and causes further damage by compacting the soil and damaging the burrow system. To reduce this problem, specific drinking points will be created using fencing on the Great Breach Dyke East and Horsehead Dyke

In the long-term, low numbers of stock will be kept on the northern triangle (Area 5) between May and September. The grazing regime will aim to maintain a diverse grassland sward with a high percentage of finer grasses and herbaceous species. A monitoring system will be put in place to ensure that both over and under-grazing of the site do not occur. In contrast, implementation of a horses grazing regime in the Allders Dyke, Cross Dyke 2 and Great Breach South corridors is unlikely to be practicable. As such, a mowing regime will be implemented in these grassland areas, also aimed at reducing the dominance of coarse species and allowing the establishment of a more diverse grassland sward.

In addition to restoring a typical Thames estuary grazing marsh grassland community on the site, the management regime outline above will provide habitat for terrestrial invertebrates associated with grazing marsh such as Roesel's bush cricket and ground-nesting birds such as skylark, yellow wagtail and meadow pipit.

Four conditions were also imposed

15 (enhancement of ditches)

Prior to the commencement of development a strategy for enhancement of the ditch network including its phased implementation shall be submitted to, and approved in writing by, the Local Planning Authority. Any scheme or details prepared and submitted pursuant to this

condition shall be consistent with the mitigation measures described in the Environmental Statement and Ecological Master plan and will not be approved if it may have effects significantly different to those considered in the Environmental Statement.

Reason: To conserve and enhance the ecological value and wetland character of the site.

16 (no occupation until condition 15 discharged)

No unit in any phase shall be occupied until the detailed scheme for the enhancement of the existing ditch network within that phase as required by condition 15 has been approved and implemented to the satisfaction of the Local Planning Authority. Any scheme or details prepared and submitted pursuant to this condition shall be consistent with the mitigation measures described in the Environmental Statement and Ecological Master plan and will not be approved if it may have effects significantly different to those considered in the Environmental Statement.

Reason: To conserve and enhance the ecological value and wetland character of the site.

17 (details of new ditches, wetland and ponds) and

The new ditches, wetland and ponds shall be constructed in accordance with details which shall be submitted to, and approved in writing by, the Local Planning Authority before the development on any phase commences. Any scheme or details prepared and submitted pursuant to this condition shall be consistent with the mitigation measures described in the Environmental Statement and Ecological Master plan and will not be approved if it may have effects significantly different to those considered in the Environmental Statement.

Reason: To ensure that the habitat creation enhances the conservation value of the site and provides undisturbed refuges for wildlife using this important wildlife site.

18 (detailed scheme incorporating recommendations of Ecological Master Plan).

No development approved by this permission shall be commenced until a detailed scheme, incorporating the recommendations included in the Ecological Master Plan, to protect and enhance the ecological value of the site has been approved by and implemented to the satisfaction of the Local Planning Authority. Any scheme or details prepared and submitted pursuant to this condition shall be consistent with the mitigation measures described in the Environmental Statement and Ecological Master plan and will not be approved if it may have effects significantly different to those considered in the Environmental Statement.

Reason: To protect and conserve the watercourses and the associated habitats.

These conditions were discharged in May 2005 and as part of the details submitted a final Ecological Master Plan was submitted. This plan submitted was substantially the same as the original 2002 Ecological Master Plan. That plan does not reference anything beyond 10 years.

In 2007 planning permission was granted under decision notice 07/08166/FULM for the creation of a seasonal wetland on 0.47 hectare of the site and the remaining 0.84 hectare converted to a species rich neutral grassland at the Norman Road Field. Three conditions (conditions 3, 4 and 11) were imposed which required details of wetland, new ditches and grazing management.

The wording of the conditions were as follows:

Condition 3

No development approved by this permission shall be commenced until a detailed scheme for the wetland has been submitted to and approved in writing by the Local Planning Authority. This is to include details of construction methods, materials and timings of works.

Reason: To protect and conserve the existing species and habitats on site and to ensure best practice measures are included in the design of these features and mitigation for loss of habitat.

Condition 4

No development approved by this permission shall be commenced until a detailed scheme for the new ditch has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect and conserve the existing habitats on site and to ensure best practice measures are included in the design of these features and mitigation for loss of habitat.

Condition 11

No development approved by this permission shall be commenced until details of the management of the grazing of the site shall be submitted to and approved in writing by the Local Planning Authority. The stocking levels and grazing regime shall only be carried out in accordance with the agreed management strategy.

Reason: In the interests of the biodiversity and ecology of the area.

Subsequently in 2008 a S73 application was submitted which sought the following- Proposal under Section 73 of the Town and Country Planning Act 1990 to undertake the creation of a seasonal wetland on 0.47 hectare of the site and the remaining 0.84 hectare converted to a species rich neutral grassland approved under reference 07/08166/FULM dated 12/10/2007 without compliance with condition 9 which provides a Buffer Zone 5 metres wide alongside the new wetland. Permission was granted in March of 2008 with the same three conditions (3,4 and 11) referenced above reimposed.

All three conditions were discharged and it should be noted that with specific regard to condition 11, the grazing management strategy submitted stated that “All management of grassland will be undertaken in consultation with the warden of Thames Water Crossness Nature Reserve located to the west and north of the northern triangle” Given that grazing is

undertaken on the Norman Road Field, the Council would expect that the Warden of Thames Water Crossness Nature Reserve can confirm this.

In 2012 outline permission was granted under decision notice 10/00063/OUTEA (subject to a S106) for the construction of B1/B8 business park in 3 phases including landscape and ecological works and details of reserved matters of design, external appearance and siting for Phase 1. (Application for an extension of the time limit for implementation on the previously approved planning reference 02/03373/OUTEA dated 25.1.2005). Within the submitted Environmental Statement (ES) it is made clear that Phase One of the 2002 outline application was partially implemented by the construction and occupation of the Thames Innovation Centre. Chapter 7 of the ES makes clear that the ecological works to Area 5 were undertaken.

Four conditions (15, 16, 17 and 18) were imposed. The conditions were worded as follows:

Condition 15

Prior to the commencement of development within a phase hereby approved a strategy for enhancement of the ditch network within that phase including its phased implementation shall be submitted to, and approved in writing by, the Local Planning Authority. Any scheme or details prepared and submitted pursuant to this condition shall be consistent with the mitigation measures described in the Environmental Statement and Ecological Master Plan and will not be approved if it may have effects significantly different to those considered in the Environmental Statement

Reason: To conserve and enhance the ecological value and wetland character of the site.

Condition 16

No building in any phase shall be occupied until the detailed scheme for the enhancement of the existing ditch network within that phase as required by condition 15 has been approved and implemented to the satisfaction of the Local Planning Authority.

Reason: To conserve and enhance the ecological value and wetland character of the site.

Condition 17

The new ditches, wetland and ponds within a phase shall be constructed prior to the occupation of any building within that phase in accordance with details which shall be submitted to, and approved in writing by, the Local Planning Authority before the development in the relevant phase commences. Any scheme or details prepared and submitted pursuant to this condition shall be consistent with the mitigation measures described in the Environmental Statement and Ecological Master Plan and will not be approved if it may have effects significantly different to those considered in the Environmental Statement

Reason: To ensure that the habitat creation enhances the conservation value of the site and provides undisturbed refuges for wildlife using this important wildlife site.

Condition 18

No development within a phase approved by this permission shall be commenced until a detailed scheme to protect and enhance the ecological value of that phase has been approved by the Local Planning Authority and no building within a phase shall be occupied until the approved scheme for that phase has been implemented. Any scheme or details prepared and submitted pursuant to this condition shall be consistent with the mitigation measures described in the Environmental Statement and Ecological Master Plan and will not be approved if it may have effects significantly different to those considered in the Environmental Statement

Reason: To protect and conserve the watercourses and the associated habitats.

It is important to note that it is the Council's view that the above four conditions imposed relate to Phases 2 and 3 of the Veridion Park development **and not** Phase 1. This is because Phase 1 had been implemented, and the mitigation works to the Norman Road Field had been undertaken with relevant conditions discharged.

Furthermore, it is also important to note that any condition referenced above prior to the 2010 application does not include an on-going obligation and that words such as "in perpetuity" or "for the lifetime of the development" were not included.

This means that the Council is of the view that there is no on-going management of the Norman Road field beyond the 10 years stipulated in the Ecological Master Plan approved in 2005 or the conditions approved relating to the 2005 (02/03373/OUTEA) or 2008 (08/01834/FUL) permissions. Any further management plans would be produced once the other phases of the Veridion Park development come forward. These management plans however would relate to the wider Veridion Park only and not the Norman Road Field.